

# Kentucky Gazette.

Two Dollars and a Half

NEW SERIES, No. 21, Vol. 3.

LEXINGTON, (KY.) FRIDAY EVENING, MAY 26, 1826.

[PER ANNUM, SPECIE, IN ADVANCE.]

WHOLE VOLUME, XL.

## TERMS OF THE KENTUCKY GAZETTE FOR 1826.

For one year in advance, specie, . . . . . 2 50  
Six months, do do . . . . . 1 50  
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## Agricultural.

From the Western Herald.  
PEACH TREES.

RICHLAND CO. Ohio, Feb. 18th, 1826.  
MR. EDITOR—I take the liberty of writing to you, to give you a piece of information that I think invaluable.

I have observed the peach tree in your country, and in old settled countries, are apt to die in the course of fifteen or twenty years, and young trees planted in old countries will not flourish but a few years.

The information I wish to give you is this; last season I grafted some peach tree limbs on wild cherry, which grew as grafts generally do. I think this discovery may be of importance; the peach tree always dies with a disorder in the root, occasioned by the operation of a kind of grub or worm that does not exist in new countries as I believe. The wild cherry is known to be a long lived tree, and flourishes as well in old countries as in new ones—now by grafting the peach on the cherry, some distance above the ground, so as to give the tree a cherry root and part of the stem, and the top to be peach, I can see no good reason why such a tree will not last an age, seeing that the grub never works on the root of the cherry.

I would recommend to such as wish to try the experiment, to inoculate or to engraff in the manner called Capitating by horticulturalists and nursery men. The reason why I think the usual way of splitting the stock will not do, is, it leaves too large a wound; for the gum will issue at wounds, I would thank you to give this a place in your paper, and request the different editors to give it publicity. Should it be of consequence or advantage, and add something to the comforts of society, I will be gratified that every person should know it, and will be fully rewarded for my trouble by claiming the right of discovery, having never heard any person speak of the plan until I tried it.

S. GLADDEN.

**Apple Trees.**—We have been credibly informed that to engraff the apple tree on Sycamore, will be the means of preventing the fruit from being destroyed by frost, even in the lowest and coldest ground. The apple keeps pace with the growth of the stump, which makes the tree very large, and it blooms so late in the spring that the cold does not affect it. It would certainly be well for our farmers to try the experiment.—(!!)

Jefferson Ohio Gazette.

**New method of Engrafting.**—In the first place make a horizontal or transverse cut upon the stock or limb to be engraffed, according to its size, from one half to one and an half inch in length. Then at the left end (this being the most convenient) make a perpendicular cut downward through to the wood in both cases about the same length, take a small chip from the bark just above the horizontal line or cut at the place where the scion is to be fixed, deep enough to allow the lower or wedge part of it to meet and lay close to the inner bark or sapwood of the stock. Raise the bark as in budding, and separate it sufficiently from the wood to receive the scion, which should be gently pressed into the proper position, and there secured by slips of bass mats, or some other soft material wound around the limb or stock so as to cover the lower part of the scion, and press upon the bark of the tree the whole length of the perpendicular cut—after which I have generally rubbed on a thin coat of engraffing composition, for the purpose of excluding the dew and rain.—That which I have found most durable and effectual for this purpose is made of equal parts of rosin, lard and beeswax. When cold it may be cut in thin slices as required for use, warmed in the hand sufficiently to apply and adhere to the wood—will yield to its growth and remain until the wound is entirely healed. The scion should be of the usual length, exposing from three to five buds: the part inserted is cut in the wedge form, very much as in the ordinary cleft grafting, except that the inner side must be levelled to a proud edge, to prevent its injuriously opening the bark of the stock beyond the scion and opposite to the perpendicular cut.

I will now state what I conceive to be the advantages of the present over the ordinary mode of engraffing and of budding. Among the most important I may perhaps say that it can be performed with more ease and with greater facility—that the scion takes more readily, and grows more rapidly—that it may be inserted in any part of the trunk or limb of the tree without amputating or otherwise injuring it, and where the other mode cannot be easily performed. If it take, the necessary pruning may be made at any subsequent period; and if it fail, the wound in the bark is soon closed, the tree is not disfigured, neither is it retarded in its growth, nor is the

quantity of its fruit, if it be in bearing, diminished. Thus it may be said to have all the advantages of budding with the additional one of producing the new fruit, certainly one, and probably two or three years sooner; and further, it may be successfully performed, at any season of the year while the sap is in motion, and the scions taken from the growth of the same or the preceding year.—It will be found too, that the stock is less injured, heals more readily and effectually than when split, as in the ordinary mode of cleft grafting.

N. E. Farmer.

From the Frankfort Patriot.  
TO THE PEOPLE.—No 4.  
"Fixit leges pretio atque rebus."  
He made and mended laws at pleasure.

Constancy and uniformity in applying the same rule to all cases falling under the same law, mark the course of intelligent and virtuous judges, inspire confidence, and repress litigation. Inconstancy and contradiction point out the roving footsteps of the imbecile, the headless and passionate, and encourage litigation. When the decisions are shifting and contradictory, honest difference cannot be settled out of court, for want of a fixed standard of right; and the cunning will be eager in their speculations upon the chances of war.

In 1815, Commonwealth vs. McDowell, 3 Bibb 24, Judges Boyle and Owsley and another, gave a labour opinion upon a presentment of a Grand Jury, against a surveyor of a public road "for not keeping the same in repair." "within three months then last past," and decide the presentment not sufficient.

But in 1814, Read vs. Commonwealth, 3 Bibb 484, these same Judges gave another labored opinion upon a presentment of a Grand Jury against Read, "for not keeping a road in repair, of which he was surveyor," "alleging the road to have been out of repair for three months then last past," and adjudged it sufficient.

"'Tis strange there should such difference be,  
"Twixt twiddle dum and twiddle dee."

In fall term 1820, Ely alias Holly, a man of colour against Thompson, a magistrate and the constable 3 Marsh. 70, Judges Boyle, Owsley and Mills decided, by a labored course of argument, that the act of the Legislature of Kentucky, subjecting free persons of colour to be whipped for raising their hand in opposition to a white person, 2 Litt. L. K. p. 118, is unconstitutional and void, 3 Marsh. p. 73 to 75. Second, that free persons of colour are protected by the constitution. These are their own words: "They are certainly in some measure parties. Although they have not every benefit or privilege which the constitution secures, yet they have many secured by it." "Although they are entitled to repose under its shadow, and thus secure themselves from the heated vengeance of the organs of government." Having come to these conclusions, they decided thirdly that Thompson, the magistrate, was liable, personally, to an action of trespass, assault and battery, for exercising his authority, supposed to be conferred by this act of assembly, to try and convict Holly, and sentence him to be whipped, and that the constable also was liable to the same action, in obeying the magistrate's judgment and warrant to him, to inflict the punishment under the act of assembly. See statement of the case, 3 Marsh. 70, and final decision, p. 75. Here the contrary justice is subjected to an action of damages, for believing the act of assembly valid, and for exercising the judicial powers conferred on Justices of the Peace by that act. But the outrage upon the authority and judicial character of the magistrate, does not stop here. The constable, the executive officer of the magistrate, is also made liable to an action for damages, for not obeying the magistrate's warrant—for not overruling and setting at naught the magistrate's judgment. Such are the liabilities and responsibilities of magistrates and constables, according to the doctrine of the court laid down in Holly's case. But these same judges who decided this case against the magistrate and constable, for their judgment and honest belief in the validity of an act of assembly, approved by both branches of the Legislature and by the Governor, which had stood in the statute book from the year 1798 to 1820, un-repealed, and during all that time considered as constitutional, did afterwards lay down a very different rule for themselves. In an official response to the Legislature, professing to give a solemn exposition of the constitution, they declare themselves irresponsible to the Legislature for error of judicial opinion, unless it could be traced to crime or misdemeanor. I give you their own words, page 13 of the printed response: "That if it should be conceded that we erred in these decisions, by a mistake of the head and not of the heart, still it would furnish no ground for legislative interposition, or authorize our removal." For error of judicial opinion, by a mistake of the head and not of the heart, these judges, lawyers by profession, and taken from the bar to the bench, are not responsible even to the Legislature, as they say, by way of address or removal from office, much less to a private suit for damages to the party aggrieved. But the justice and the constable, are both liable to the party aggrieved for damages, in an action of trespass, assault and battery, and false imprisonment, for mistake of the head and not of the heart, in supposing the act of the Legislature constitutional and valid, when these judges think, (perhaps by like mistake,) that it is unconstitutional. A farmer, as the old story goes, applied to an attorney who had been commissioned as one of the justices of the quorum, and said to him, my cow has killed your ox. With much concern the farmer desired to know what was to be done. The attorney, giving a prompt decision in his own case, told the farmer he must pay for the cow; moreover, if he did not pay quickly, "I shall by virtue of my commission, as justice of the quorum, enter judgement against you upon your confession." The farmer, alarmed at this asked the attorney, what did I say? You, replied the attorney, confessed that your cow had killed my ox. Then said the countryman, "and please your worship, if I said so, it was by mistake; it is your worship's ox that has killed my cow. Will your worship be pleased to abide by your own confession of the law. Ah, said the lawyer, that alters the case.

If Thompson, the country justice, committed a mistake in his judicial opinion, he must pay Holly damages; and the constable too, must suffer the like for the mistake of the justice. But when Boyle, Owsley and Mills, err in their judicial opinion, by mistake, then the law of responsibility is altered.

But the response to the Legislature is not the only contradiction which has been committed; the opinion delivered in the case of Holly vs.

Thompson. In spring term 1822, Amy, a woman of colour, against Smith, 1 Litt. Rep. 332 to 342, these Judges, Boyle and Owsley, who had decided in the fall of 1820, that Holly, a man of colour, was protected by the constitution, did decide, Judge Mills dissenting, that Amy who was born in Pennsylvania, free by the laws of that state, free in Virginia, and kidnapped and sold in Kentucky as a slave, was not protected by the constitution of Kentucky, nor by the constitution of the United States. Holly was, by the decision in his case, protected by the constitution, 3 Marsh. 75. Although Holly was not a party to the compact, yet he was entitled to repose under its shadow, and thus secure himself against the heated vengeance of the organs of government. But Amy was not entitled to repose under the shadow of the constitution of the United States, nor of this state. In Holly's case, the court declare, that free persons of colour are certainly in some measure parties to the compact; although they have not every benefit or privilege which the constitution secures, yet they have many secured by it." Holly was protected by it against an act of the Legislature, and was entitled to his action against the justice, for ordering him to be whipped, and against the constable for executing that sentence. But Amy is not protected in her right and privilege of freedom, and must remain a slave for life. How the two judges who gave the decision of Holly vs. Thompson and the constable, could afterwards come to such a conclusion as that delivered in Amy's case, will naturally be a question. To all enquirers, and especially to those who are fond of curious and amusing disquisitions, I recommend this case of Amy vs. Smith and the commentary of Judge Mills, in his dissent from the opinion of the other two judges. For the present, I must content myself by this answer to the question; that by a new and strange definition of citizenship, they determined that Amy was not a citizen of Pennsylvania, nor of Kentucky, nor of the United States, nor of any State, and therefore her right to freedom in Pennsylvania, Virginia and Kentucky, was not protected by the constitution of Kentucky, was not protected by the constitution of the United States, nor by the constitution of Kentucky. The scattered sweets of the opinion in Amy's case, I leave you to collect from the whole report, 1 Litt. 332 to 347. At present I will give you the essence of their definition of citizenship, as distilled by themselves, from their own preparation of drugs and simples, 3 Litt. Rep. 333. "No one can, therefore, in the correct sense of the term, be a citizen of a state, who is not entitled, upon the terms prescribed by the institutions of the state, to all the rights and privileges conferred by those institutions upon the highest class of society. It is true, that females and infants do not personally possess those rights and privileges. In any state in the Union; but they are generally dependent upon adult males, through whom they enjoy the benefits of those rights and privileges; and it is a rule of common law, as well as of common sense, that females and infants should, in this respect, partake of the quality of those adult males who belong to the same class and condition in society, and of course they will or will not be citizens, as the adult males of the same class are or are not. Nor do we mean to say, that it is necessary, even for an adult male to be a citizen, that he should be in the actual enjoyment of all those rights and privileges which belong to a citizen. He may not only not be in the actual enjoyment of those rights and privileges, but he may not even possess those qualifications of property, of age, or of residence, which most of the states prescribe as requisites to the enjoyment of some of their highest privileges and immunities, and yet be a citizen; but to be a citizen it is necessary that he should be entitled to the enjoyment of those privileges and immunities upon the same terms upon which they are conferred upon other citizens; and unless he is so entitled, he cannot in the proper sense of the term, be a citizen either of Pennsylvania or of Virginia, unless she belong to a class of society, upon which, by the institutions of the states, was conferred a right to enjoy all the privileges and immunities appertaining to the state."

Thus it was, that because Amy was not entitled to the political privileges of being elected Governor, or Senator, or Representative she was no citizen, and her private and personal right of freedom to which she was entitled by the institutions of Pennsylvania and Virginia, and of the United States, were not secured. Her privileges and immunities were not protected by the constitution of this state, nor of the United States. How was a in Holly's case, that his immunities and privileges were protected against an act of Assembly and against a conviction and judgment of the justice acting officially under that law? Was he, being a free mulatto, "entitled upon the terms prescribed by the institutions of the state to all the rights and privileges conferred by those institutions upon the highest class of society? No. Was he "dependent upon adult males, through whom he enjoyed the benefits of those rights and privileges? No; upon none, not one. How were his rights protected? This is the language of the judges, 3 Marsh. 75.

"But we are met by the argument, that free persons of color are not parties to the political compact. This we cannot admit to the extent contended for. They are certainly in some measure parties. Although they have not every benefit or privilege which the constitution secures, yet they have many secured by it." We need not take the trouble of "enquiring how far they are or are not parties. For, suppose the premises are admitted, the conclusion would not follow, that the Legislature had a right to do with them as it chose, and that their acts on that subject could never be brought to a constitutional test. Although they are not parties to the compact, yet they are entitled to repose under its shadow, and thus secure themselves from the heated vengeance of the organs of government. By this train of argument, of Holly was protected from the effects of an act of Assembly, and the magistrate and constable made liable to an action for damages for executing the act of Assembly, and causing him to be whipped for raising his hand in opposition to a white man. But Amy is no citizen; she is not "entitled upon the terms prescribed by the institutions of the state, to all the rights and privileges conferred by those institutions upon the highest class of society." Therefore she is entitled to none. She was not secured in her right to freedom even. She was not even "in some measure" a party to the compact. She was not "entitled to repose under its shadow, and thus secure herself from the heated vengeance of the organs of government." No; she is not even protected from the interested will of an individual who holds her as a slave for life, against the privilege and immunity of freedom conferred on her by the institutions of the state of Pennsylvania, as her birthright, and by the institutions of Virginia.

What highbanded, noble and consistent defenders of the constitution and of constitutional rights and privileges the people have in these classic

judges, "through whom they enjoy the benefits of those rights and privileges?"

I have contrasted these two decisions of Holly against Thompson, and Amy vs. Smith, to show their inconsistency, the one with the other. That judges of the court of the last resort, should exhibit such inconstancy and contradiction, is just cause of alarm to the people. But mere contradiction in these decisions, is not the only cause of alarm. The principles asserted in those opinions, strike deep, they have an alarming tendency to destroy good order and security, and subject the great body of the justices of the county courts throughout the Commonwealth, to the arbitrium of the Court of Appeals; not merely by way of revising their judgments, but by subjecting them personally, and their fortunes to damages. The principles in Amy's case, are as alarming as they are new and ridiculous.

In Thompson, at the suit of Holly, a justice of the peace is rendered personally responsible for damages, for not adjudging an act of Assembly unconstitutional when he thought it was constitutional. Nay, more, he had not only the direct opinion of both branches of the Legislature who passed the act, and of the Governor who approved it in 1798; but the tacit acquiescence of every subsequent Legislature, who have still suffered it to remain unrepelled. At his peril, he was required to weigh the acts of the Legislature, in giving jurisdiction to the justices, and as he failed to jump to judgment with the subsequent opinion of the Court of Appeals, he was made liable to damages to the party aggrieved. What a dangerous responsibility does this precedent impose upon the justices of the peace; what awful concentration of power, in the Court of Appeals, over the fortunes of the great body of magistrates, who are distributed through the various counties in this state, as the immediate and direct guardians of the peace and of the administration of the laws against crimes and misdemeanors. But justices of the peace are not only required to judge the constitutionality of the acts of the Legislature, but constables too are to judge the laws and the judgments of the magistrate. If the law is unconstitutional in the opinion of the Court of Appeals, under which the magistrate has exercised his authority, the constable is liable to trespass and damages for obeying his warrant, if he refuses to obey, and the law is adjudged constitutional, then the constable is liable for a breach of his duty. But look at the two decisions, Holly vs. Thompson and the constable, and Amy vs. Smith, so contradictory in principle; and must not these magistrates and constables be playing at hazard under such changes?

What would be the next decision of these judges upon the constitutionality of this law, subjecting free persons of color to punishment for lifting their hands in opposition to a white man? Would it be according to the principles of Holly vs. Thompson, or to the principles last delivered in Amy vs. Smith?

This definition of citizenship is an original, new and curious. The constitution of the United States, is framed upon the idea, that citizenship is acquired as a birth right. "No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of President." Art. 2 Sec. 1 Par. 5. The laws of the United States are at war with this definition. Children of citizens born beyond sea or out of the United States, shall be considered as "natural born citizens." Act of March 26, 1790, 2d Bioren laws U. S. p. 88.

The questions in the courts as to citizenship, have always looked to the place of birth, not to political privileges. Rights are divided into private or social, such as the right of life, liberty and property, and of pursuing happiness; and political or public, relating to the administration of the government. Citizenship is ascertained by reference to permanent allegiance due to the government, and permanent protection due from the government to the individual in the social and private rights. Females or infants, who owe permanent allegiance, and are entitled to the permanent protection of the state, in their private or social rights, are citizens, although excluded from political privilege. If the definition given by those judges, in Amy vs. Smith, were correct, what is to be the condition of widows, maidens of mature age, and children born in the United States, of alien parents? Must they live and die aliens or strangers to the protection of the constitution and laws, unless they should have the good fortune to become "dependent on adult males, through whom they may enjoy the benefits of those rights & privileges?"

Whence did these judges derive their ideas of rights and privileges conferred by our institutions, "upon the highest class in society?" The highest class implies gradations of high, higher and highest, low, lower and lowest. Has our constitution or laws, or those of any other state or of the United States, divided the citizens into classes of high, higher or highest, and lower and lowest? Is there a class in our institutions called the highest, who have peculiar and greater rights and privileges, than the great body of our citizens? I had thought according to our constitution and bill of rights, "that no man or set of men, are entitled to exclusive, separate, public, emoluments or privileges from the community, but in consideration of public services." I had thought that we were all entire under the same law and the same rules. But these judges have imbibed notions; that there is a highest class in society, with rights and privileges peculiar to that class, and have manifested by their contradictory decisions, that the same law does not stand for the same rule for different persons in like condition.

I take it that these judges Boyle and Owsley had heard Judge Mills' reason for his dissent before the opinion in Amy vs. Smith, was delivered. It was the duty of the judges to hold consultation; it is evident from Judge Mills' dissent, that such consultation had been held. How those judges, after the views presented in Judge Mills' dissent, could avow to the world the new and ridiculous notions of citizenship expressed in their opinion, is amazing. Were they dead to the light of reason and of truth? Was that definition of citizenship, dictated and delivered in a phrenzy of the brain? If so, it was not the madness of much learning.

I shall pile example upon example of their contradictions, until the lovers of equal laws and impartial justice, shall be sickened at such inconsistency. I shall gather together the blackening clouds of their errors and contradictions, until the thickened tempests which threatened to destroy order, lasting tenures of property, and uniform rules of right, will appal the meek and unambitious. The candor and moderate, will unite in the belief, from the multiplicity of cases in which those judges have administered their own weakness and inconstancy in place of law, that full faith and confidence in the court of the last resort, so necessary to the quiet of society, will never be restored by restoring those men to the full and undivided power as judges of the Court of Appeals.

HAMPDEN SIDNEY.

## FOREIGN AND DOMESTIC.

Captain SAVIN of the schooner Amelia, 9 days from Havana, arrived at this port, states that a French brig from Vera Cruz, arrived at Havana on the afternoon of the 24th ultimo, reported that the custom house at Vera Cruz had been destroyed by fire, with property to the amount of two million of dollars; this news is also confirmed by private letters from Havana.

The fete given by the Peruvian minister at Panama, in commemoration of the battle of Ayacucho, is said to have been one of the most splendid entertainments ever witnessed in that country.

A vessel from London lately at Dominico, threw her sand ballast on Trot's wharf. Soon afterwards a number of slaves were seen dancing merrily on it. On enquiring the cause of their joy, they exclaimed "massa, we free now; dis Inglis grout."

Kingston Jamaica, April 7.—We understand that a vessel with several persons on board, left this port a few weeks since with the intention of causing an eruption in favor of the Colombians in the island of Cuba. Of the fate attending two of these individuals, named Sanchez and Frasnito Agnero, we have been informed, they were executed at Principe, in this island, on the 17th ultimo. It would appear they arrived there about fifteen days previous, and had remained concealed, until the impudence of Sanchez led him to the house of his god-father, otherwise a stranger to him, and to whom he shewed the proclamations of which they were the bearers, and advised him to collect whatever effects he could and quit the island, as the Colombians were near, and would cut the throats of all the royalists that fell into their power. The person so advised gave information to the governor, and their retreat being discovered, a detachment of thirty men was despatched after them, when they were secured and executed. Agnero at the place of execution, behaved with peculiar firmness, and suffered without in the least compromising the cause he had advocated. Sanchez, on the contrary, exhibited every symptom of fear, communicated such circumstances as he was acquainted with of the intended movement, and to which he added many exaggerations; in consequence of which four or five spanish vessels of war had been ordered from the Havana to cruise on the coast. Commodore Jolly, with a Colombian flying squadron was also looked for in that quarter. Our informant adds, that the greatest caution has been adopted throughout Cuba, and every exertion making for putting the island in the best defensible state.—*Cornwall Chronicle*

Captain Morrill, of the schr. Tartar, arrived at New York on Tuesday morning, informs the editors of the Statesman, that Callao was given up to the Peruvians on condition that General Rodil and his staff officers should be allowed two hours to go on board the British Frigate with all their property, and the inhabitants and troops to be allowed the honors of war. The loss of troops during the siege, of the Patriots, was estimated to be about 7000, and of the Royalists 3200; the Royalists had cut up all the horses in the castle, and had eaten human bodies before they surrendered. General Bolivar at the surrender of the castle, was in Upper Peru, but was expected at Lima every hour. Great preparations were made to receive him.

The editors of the New York Mercantile Advertiser have been favored with a copy of the articles of capitulation of the fortress of Callao, which took place on the 22d of January. It was agreed that Gen Rodil and his principal officers should be conveyed to Gibraltar in the British frigate Tartar at the expense of the government of Peru, and that the troops of the garrison should be set at liberty. Rodil had previously placed all his money and effects on board that frigate, and only about the sum of \$4000 was found in the treasury. The proposition for the surrender, was made by Rodil, after a great portion of his troops had died of starvation.

Baltimore Patriot.

A gentleman lately arrived from Havana, informs the editors of the New York Daily Advertiser that nothing had been heard from the Spanish squadron when he sailed. He has furnished papers to the 25th ultimo, which observe their usual silence on political subjects. Gihara, Manzanillo, Guantanao and Baracoas are to be opened to foreign commerce, and fortified for the protection of the harbours.—This measure is adopted to bring the valuable productions of the country near them, and for the discouragement of smuggling. The governor published a proclamation on the 18th April, prohibiting the importation of "all books which oppose the Catholic religion, the royalty, rights and prerogatives of the sovereign, or which in any other manner defend the rebellion of Vassals or nations." The masters of vessels, as well as the proprietors of such property, and of immoral books, &c. are rendered responsible, and will be required to pay triple the value, if it does not exceed two hundred dollars.

New Invention.—Some enterprising individuals of Shalersville, in this county, have constructed a machine for cutting shingles, which for despatch and utility far exceeds the anticipation of its inventors, and which promises to become of much public importance. We have not been favoured with a particular description of this useful improvement, but have been told that by a practical experiment it has been ascertained that the shingles produced by it are better than those in common use, and that they are made in a ratio of fifty to one faster by the aid of this machine, than by the ordinary mode. The construction is simple, and attended but with little expense. The power and works of any saw mill can be applied to it; by merely taking out the saw and substituting the shave, when every descent of the sawgate will cut out a shingle. The block is placed in such a manner that the shingle is cut quartering across the grain—this is done to prevent the shingles from warping, and it is



stated to be effectual. Another advantage is, that shingles made by this process are all of the same thickness, and there is not the least waste of lumber. A gentleman who saw the operation stated that three men could not take away the shingles as fast as they were cut; and by calculation it has been ascertained that three men can make 40,000 in one day! This invention will undoubtedly become a matter of public interest, and as there is no patent in the way to its general use, it is hoped that some one of its proprietors will furnish a minute description of it, for the information and benefit of the public.

Ravenna Courier.

From the Aurora and Franklin Gazette.

**GREEK FIRESHIP.**—While lying in the harbor of Myto there came into that port a Spiziot division of the Greek fleet; amongst them were a number of fireships. Several of the officers of the Ontario with myself visited them, and was much gratified by having an opportunity of examining these wonderful engines of destruction. We were much astonished at the simplicity of their construction, and pleased to see, that if once fired it would be impossible to extinguish them. The commanders took a great deal of pains to explain every thing to us: one of them stated that he had destroyed two frigates, and feels very confident of always being successful, provided they can attack the enemy at anchor.

They are vessels generally of about 300 to 400 tons burthen, and mostly Polake brig-rigged; they were formerly merchantmen, before the revolution; are strong vessels, and mostly sail fast. They have chain slings for all their yards and at the yard arms, grapple or fire hooks, and a box on the lower yard arm, containing combustible matter; which burns for some considerable time. The chain slings are for the purpose of keeping the yards from falling as long as possible after the rigging and sails are on fire. They have other fire hooks on the bowsprit with boxes of combustibles; there is a train which leads to these boxes in the yard arms and bowsprit, which communicates with them and sets them on fire; before the rigging takes fire they are filled with grenades and fire balls. Along the deck within about two feet of the water ways, they have twelve or fourteen; the e hatches are kept closely shut when they are approaching an enemy, so that any fire from them may not communicate to their hold; they have also posts along the outside which they also keep close shut until they are about firing the train, when they heave off the hatches on deck and open the posts which falls down. The flame then has a fair opportunity of rising out of the hatches and bursting from the sides.

They have a between-deck bore and aft, on which they have large cribs, built like double births, which are filled with light pine, dipped in tar or turpentine; mixed with this is a quantity of fushush, dipped in the same substance; they also put on old tarpaulins and other combustibles, taking care not to have it lay too close together. Aboard of every deck hatch they have a barrel of fire-balls, and close to it a hatch cut through the hold, where they have nothing but ballast.

The trains are laid fore and aft in troughs of two inches wide and three deep, running in every direction along the deck, which is covered with tar and turpentine, as well as all the beams and carlings. The train is generally fixed from the cabin windows, but in case it should be required, they can set fire to it from any of the ports along side. Just before they intend going along side of an enemy, they wet all the sails with spirits of turpentine, and fill the train troughs with powder; all hands with the exception of the captain get into the boat astern, which are very fast rowing boats, and pull with from twelve to fourteen oars, which is all the crew of the fireship; the boat carries two small guns. When every thing is ready, the captain being the only one on board, steers direct for the vessel he intends laying on board, which he tries to strike about the forechairs, and does not leave the helm until she is fairly grappled with the enemy; he then jumps into the boat astern, and fires a pistol into the train, when the vessel is instantly in a blaze, which it would be impossible to extinguish. I am told they burn about from one half to three quarters of an hour, before they sink; they do not blow up as it has been generally stated.

A public meeting has been called at Philadelphia, for the purpose of adopting measures to relieve Mr. Jefferson.

The lottery vendors of the city of New York have resolved that they will sell, without pay or reward the tickets of the Jefferson Lottery.

The Committee appointed by the citizens of New-York, in relation to the affairs of Mr. Jefferson, have published the following address:

To the Citizens of New-York

**Fellow Citizens!** In advanced age and near the close of a life devoted to the public service, the illustrious Author of the Declaration of American Independence is about to be deprived of his property to satisfy the claims of creditors. These claims chiefly owe their origin to that abstraction from private concerns, which was demanded by the important and laborious duties assigned to him by his country.

To prevent a sacrifice of Mr. Jefferson's possessions, his native State has authorized their sale by lottery. Their fair value will thus be realized, and will fortunately suffice for the payment of his debts. But in fulfilling strictly, his creditors, he will have parted with his principal means of enjoying the comforts of an honorable old age.

The gratitude of the American People, towards a Statesman whose name is inseparable from the proudest event of their history, would doubtless have displayed itself in liberal gifts from Congress and from State Legislatures, but for the fear, entertained by many, that such a proceeding, however inapplicable to other cases and however commendable in this instance would be prevented into a dangerous precedent; leading in future times, to wasteful and unmerited appropriations.

What then is to be done! Will those who enjoy the fruits of the Revolution permit one of its foremost Patriots to pass his old age in poverty? Shall he who in annexing an immeasurable domain to our territory, added countless millions to the public means, be neglected and left to penury? The respect due to ourselves, suggests

the answer. To cherish those to whom we owe our present blessings, is a charge on the possession which not to pay, would show us to be unworthy of them. Already has the anticipated parsimony of our country towards Mr. Jefferson, regarded as one of her principal benefactors, been made the theme of European criticisms, and if its predictions be not falsified, how shall we escape its reproach and its scorn?

A plan has been proposed, which relieves the subject, of its difficulty, and will enable his fellow citizens, to aid Mr. Jefferson, in a manner honorable to themselves and flattering to him:—It is to raise by individual subscription a sufficient amount to purchase the tickets of the lottery, in order to destroy them. We would thus be left the enjoyment of his property, undisturbed by the apprehension of future embarrassment. If an adequate sum be obtained in time, it is contemplated to burn the tickets on the fourth of July next. Nothing can be more appropriate to the fiftieth year of American Independence, than that it should be the day of relief to the Patriot whose present difficulties, are in some degree connected with the perilous decision of that memorable epoch.

In aid of this object we appeal to you, fellow citizens; not in the language of mendacity, but with that tone of confidence in your conceptions of public duty, which befits our purpose and your character. The reputation which New-York has sustained, her patriotism, wealth and numbers, all require that she should do much on this occasion. Large individual contributions are not expected, though they will not be refused from citizens able and anxious to make them. The offerings we look for, are such as may be general; not those of rivalry, or ostentation, but the obligations of grateful feeling and patriotic hearts.

If the prospect of obtaining all the tickets should fail, the funds shall be appropriated in such manner as the committee may deem most conducive to the object of their appointment.

We will not doubt however, of entire success. In many cities of the union, attention has been awakened on this subject, and present prospects augur the best results. In this matter the feelings of party yield to nobler and holier feelings. This fact is honorable to our citizens. Nor will it be without beneficial effect on the national interests. The future statesman, who shall deserve amid the severest conflicts of party, the reputation of honest motives, will feel assured that when in retirement and in poverty, his country will not be unjust to him; and this confidence will quicken his zeal and animate his exertions in public service. By order of the committee.

ROBERT TROUP, Chm.

JOHN L. LAWRENCE, Sec'y.

**BRITISH IMPRESSMENT.**

The brig Pharos, Captain Merchant, has arrived at Boston from the coast of Africa. Captain M reports that—"While lying at Sierra Leone, 6th December last, a boat from the English sloop of war Redwing, Clevering, commander, also lying in port, came along side the Pharos, and forcibly took out of the brig two of her crew, and carried them on board the Redwing. Captain Merchant protested against this act, and demanded of the commander of the Redwing the restoration of his men. After a lapse of eleven days, one of the men, having an American protection, was returned, but the other, having no such document, was detained on board the Redwing."

We presume that our government will not wait an hour before they undertake to investigate this fact, and to demand a speedy and prompt satisfaction for this violation of our flag and our dignity. Detained for the want of a protection!—That protection is the "star-spangled banner" waving on the topmast—that protection is to be found in our cannon, and in the physical strength and courage of ten millions of free born souls. This is but a solitary case, but such outrages must be met in time. It is not a question for an independent people to decide how many times they have been insulted—they will not decide indignities by the rules of arithmetic—one insult on the honour of the nation calls for redress as much as five thousand would do. Let every American be told that when on the mighty deep he does not require, that he should disdain to accept, any other protection than that afforded by the flag of his country. [Balt. American.]

### Miscellaneous.

**NEW BRUNSWICK, April 19.**

**Boaring for water.**—For some time past Mr. Levi Disbrow, has had a set of hands employed on the farm of Mr. John H. Bostwick, opposite this city, boaring for water. On Thursday last when the workmen had got down to the depth of from 210 to 450 feet the water rose above the surface and now discharges at the rate of two gallons a minute, one foot above the ground; and one gullion and a half at the distance of two feet, and the quantity of water is increasing as the workmen proceed.

This is the fourth instance of the success of Mr. Disbrow in this neighbourhood and fully establishes his opinion, that a large supply of water may be obtained by boring a sufficient depth, whether the situation be elevated or otherwise.

**BORING FOR WATER.**

It is but just to Mr Disbrow to state (says the New Brunswick Times) that the account given in our last of his success in obtaining water on the farm of Mr John H Bostwick, and the quantity discharged per minute, was previous to the aperture being tued. Since our last publication Mr. D. has inserted a copper tube, and the amount of water now flowing per minute is considerably more.

We accompanied Mr D to Mr Bostwick's on Monday morning, and found the water rose six feet being the length of the tube above ground, and the quantity of water discharged at that height about one gallon and a half per minute, and at the distance of two feet, about three gallons. We found by experiment, that the water would rise higher, were the tube extended. The water is of a good quality—and so well satisfied is Mr Bostwick with his supply, that he has contracted to furnish water to one of his neighbors, from the same fountain. Mr Bostwick was the first to engage in this enterprise, notwithstanding public opinion was against him, and Mr Disbrow is entitled to the thanks of the community, for bringing into successful operation so important a discovery.

To the Editors of the American.

Gentlemen.—Accidentally meeting with a book of Spanish Proverbs, I send you a few for the benefit of your readers.

Every body must live by their own labour.

Whoever peers through a hole, will see trouble. The high walls stoop, and dung hills rise.

To eat a whole ox, and faint at the tail. He who has a wolf for his companion, must carry a dog under his cloak.

Neither look into a man's manuscript, nor put your hand into his pocket.

He that has four and spends five has no need of a purse.

Beauty unadorned is adorned the most.

Sorrow for a dead husband is like the pain of an elbow, very sharp, but lasts only a short time.

Sorrow for a dead wife does not go farther than the door.

Cupid points at plumes.

The day that I did not sweep the house, strangers came.

A lean and slender dog is always full of fleas.

(The poor are always despised and persecuted.)

Do not undertake to be a baker if your head be made of butter.

A garden without water, a house without tiles, a wife without love, and a husband without prudence are four things equally detestable.

A secret between two is God's secret, and a secret between three is every body's secret.

You can expect nothing from a cat but her skin.

On the day of your marriage you kill or cure yourself.

**MR. RANDOLPH.**

This gentleman continues to address the Senate—sometimes, twice a week; frequently twice a day—in speeches two, four, and six hours in length. His harangues would fill our newspapers—with matter that would be read to—but the difficulty is, they are not reported by the regular stenographers—and as for the miserable sketches, or rather caricatures, which are sometimes given in Washington Letters would neither do Mr. Randolph justice, nor afford satisfaction to our readers.

Petersburgh Int.

**VIRGINIA ELECTIONS.**

We have at length got through with the publication of the returns received from the different Counties. It will be remarked that an unusual number of new Members have this year been elected to the House of Delegates—among whom are the veterans Milliam B. Giles and Robert B. Taylor, "When Greek meets Greek"—but the quotation is somewhat musty. *ib.*

Randolph "in Senate," is something like Mathews "at home"—and if there was any American Genius, (and we would not tolerate a foreign one,) who would visit our cities, and repeat his speeches, with correct imitations of his tones and manner, he would probably make a fortune.

No late arrivals—nothing new according to the last accounts from the North of Europe, affairs had assumed an interesting posture. The Duke of Wellington's Mission to the Court of St. Petersburg, having set the imaginations of men to work, many rumors were put in circulation, which our next intelligence will either confirm or disprove.—Meanwhile, the fate of the Greeks remain in suspense. From Spain likewise, the more recent advices would lead us to anticipate another crisis in that country, of late years the theatre of so many revolutions. Nor is the disposal of the Crown of Portugal a matter likely to be easily settled. Our next news may be important.

**Razors.**—What is the reason that, in time of frost, a razor will not cut, or at least without creating great pains, unless it is warmed? Because, if viewed with a magnifying glass, it appears like the edge of a saw; and when warmed its edge is rendered smoother.

Glasgow Mec. Mag.

**Restoration of Tainted Meat.**—Meat tainted to an extreme degree may be speedily restored by washing it in cold water and afterwards in strong chamomile tea, after which it may be sprinkled with salt, and used the following day, or if steeped, and well washed in beer, it will make pure and sweet soap even after being fly blown.

A gentleman of Providence Rhode Island, has invented a new mode of ascending and descending hills with a railway, which bids fair to render that cheap mode of transportation perfect.

Mr. Rosewell Santonstall has given a lecture in New York on self moving power in a wheel, which will generate its own power and revolve for the purpose of the mechanic world; the simplicity of which is easy to the smallest capacity. Mr. S. is confident that he will be more successful in his project, than Mr. Redheffer was.

It appears that Capt Symmes and his adjutant Mr. Reynolds are at variance on the subject of the Lectures—both advertising separate discourses on the theory. If an appeal to arms is necessary, it had better take place at the Post. At all events there is no doubt that Capt. Symmes is the real Simon Pure.—*Noah's New-York Advocate.*

W. & J. Frazee, are engaged by the Cadets at West Point, to build for them, on that elevated situation a monument to the memory of the gallant and patriotic, but unfortunate, Kosciusko. It is estimated at \$4000. This does honor to the Cadets, and to the School, where such generous and liberal feelings are cultivated.

**Rapid Travelling.**—Passengers are now conveyed from Boston to New-York in twenty-four hours, from New-York to Philadelphia in ten hours, from Philadelphia to Baltimore in fifteen hours, and from Baltimore to Washington in five hours. A person travels to and from these places at but one half the expense incurred ten years since. The steam boats on this grand route are amongst the first in the world.

Noah.

**ArCADE.**—We learn from the Commercial Advertiser, of New-York, that arrangements have been made in that city, for cutting a street directly thro' from Maiden Lane to John Street, fifty feet in width. Through the centre of this street a splendid Arcade is to be erected, to be occupied as stores of every name and description connected with the dry good trade and fancy articles of every description,—thus forming a kind of bazaar, with a walk of fourteen feet in width, where the ladies can resort and do all their shopping, in a beautiful place, free from carriages, and find whatever they want.

**Cure for the Tetter or Ring Worm.**

After I had the tetter for nearly twenty years on my hand, and had used dollars worth of ointment, which took off the skin, repeatedly, without effecting a cure, a friend advised me to take some blood root, (called also red root, Indian

paint, &c.) slice it in vinegar and afterwards wash the place affected with the liquid. I suppose the vinegar extracted the strength out of the root, for in a few days the dry scurf was removed, and my diseased hand appeared as whole as the other. I could scarcely believe that a perfect cure was so speedily accomplished by this simple remedy; but as nearly two years have passed without the least appearance of its return, I need no longer doubt the fact, and for the benefit of others, I wish the value of the root to be more generally known.

Ewell's Med. Companion.

"It grows about a foot high in rich woodland, and flowers in April. The leaf is roundish and deeply indented, somewhat like the white oak leaves—stems naked supporting single flowers, blossoms white. When the fresh root, which is about the size of the little finger, and blood red, is broken, a juice issued in large drops resembling blood."

From the Medical Intelligencer.

PHYSICIANS AND EDITORS.

There is no profession more laborious, and in many instances none so responsible, irksome, and ill-reputed as that of a Physician. The nearest approach to it is the condition of an Editor, who wishes, by being useful to obtain a reputable standing in society, and a competency of the good things of this life. In some respects there is a complete similarity between them: each must submit to surveillance over all his thoughts, words, and actions; exercised by jealous neighbors; inquisitive fault finding matrons, buffoons, quacks, demagogue politicians, and disappointed aspirants to office, appearing equally worthy of regard. This every one by a little seasoning, soon learns to bear with all meekness; but what is too much to be required of any man is to relinquish, as the Physician is obliged to do, at every call, the comforts of his own fireside and the society of his wife and children, for a long visit in a dreary night: not always to the abode of sickness and distress, but often to that of pampered hypocrits, who after being relieved from imaginary dangers think no more of the physician till their fears again overtake them. So with the Editor, the publication being received and read those who are served forget the poor editor to their intellectual appetite, and leave him to work and starve his way along as he can and thus the Editor and the Physician, from the apparent extent and prosperity of their business, may be in a proportional state of embarrassment and pecuniary sufferings.

**BITE OF THE RATTLESNAKE.**

An acquaintance some weeks since related the following particulars, which are published for the purpose of giving a more extensive knowledge of the facts.

Travelling some years since in the interior of Pennsylvania, in company with a young man in the dusk of approaching night, his companion was bitten, or struck, by a rattlesnake, in two places near the ankle; having shortly before heard of the efficacy of tobacco applications to the wounds of a person who had been struck by one of these snakes, and whose case had almost become hopeless, but was thus relieved and cured; he applied at the first dwelling they came to for tobacco—the poison by this time began to manifest itself, and excite pain and inflammation in the parts near the wounds.—The tobacco was wet and applied to the wounds and soon produced relief and composure in the system—another application was made, and by the next morning every appearance of bad effects from the bite, was entirely dissipated and gone. They went to the spot next morning where they supposed they had killed the snake—he was dead, was full grown and with a number of rattles.

Trenton Federalist.

**English refinement.**—In a late case of seduction in England the Court room was thronged with ladies. Baron Garrow, who presided, said, "I do not desire the ladies to wait in court to hear any thing that may shock their modesty, unless they like it." The paper adds, "one or two ladies then retired but the remainder kept their seats." What a fine thing for the Quarterly Review, if such an occurrence had taken place in the United States! The testimony, even as reported in the papers, is such as no American lady would voluntarily listen to.

**Glazing Earthenware.**—M. Rochinski, a manufacturer of earthenware at Berlin, has found a varnish or glazing for common pottery, which after trials made in the presence of the College of Medicine, offers no danger in regard to health and resists the action of acids. This glazing is composed of five parts of litharge, two parts of well purified clay, and one part of sulphur. These substances are pulverized, and mixed with sufficient quantity of caustic alkaline lie, soap maker's liquor, so as to form a liquor fit to be readily applied on the earthenware, and to cover it equally all over. Carefully baked, these wares offer no trace of lead.

**ROAD TO MEXICO.**

A treaty with the Great and Little Osage Indians is published, by which they cede a right to the United States of making and keeping a road through their lands, which shall ever be free for the use of the people of the United States and of the Mexican republic. Goods, or money, to the value of \$800 were given to them for this cession. The treaty is signed by Ca-he-ga-wa-tonega [Foolish Chief] Ca-he-ga-wash-im-pee-she [Bad Chief], &c.—*Niles' Register.*

**INDIANS.**—A general removal of the Indians from the whole state of Missouri, is now nearly accomplished. The Kansas have removed, the Shawanese are about to follow, and the Iowas are making arrangements for the same purpose. The proceedings had in respect to this matter are highly approved of in Missouri, and they appear to have been conducted with much moderation. We hope, however, that some settled home for the Indians may be established, and that in future new territories, or states will not be made without special reference to lands given to them in exchange for those which they have relinquished.—*ib.*

**Brushes, Soap, and Glue.**  
WHOLESALE AND RETAIL, at my shop on Main Cross street Lexington, where CASH will be given for Soap &c. &c.  
SAM: COOLIDGE.  
20—no. 1f.

**UMBRELLA FACTORY.**  
MRS. MARSH,  
HAS removed to the house, corner Lexington and immediately opposite the jail, where she continues to make and repair UMBRELLAS and Parasols, as usual.  
Lexington, May 12—19-21.

## Laws of the United States.



BY AUTHORITY.

LAWS OF THE UNITED STATES, PASSED AT THE FIRST SESSION OF THE NINETEENTH CONGRESS.

[PUBLIC—No. 26.]

AN ACT supplementary to the several acts for ascertaining titles and claims to lands in the St. Helena and Jackson Court-House Land Districts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the claims to land contained in abstracts A, B, and E, of the Report of the Register and Receiver of the Land District of St. Helena Court-house, reported to the Secretary of the Treasury, under date of the nineteenth January, one thousand eight hundred and twenty-five, in obedience to an act of Congress of the twenty-sixth of May, one thousand eight hundred and twenty-four, and the claims embraced in the supplemental report of the Register and Receiver, under date of the fifth of December, one thousand eight hundred and twenty-five, and which are recommended for confirmation, be, and the same are hereby, confirmed, so far as they may come within the provisions of, and be conformable to, the principles, limitations, and restrictions of the act of the third March, one thousand eight hundred and nineteen, entitled, "An act for adjusting the claims to land, and establishing Land Offices in the Districts east of the island of New Orleans."

Sec. 2. And be it further enacted, That the Register and Receiver of said District shall possess the same powers and perform the said duties in relation to the claims confirmed by this act, as are given to and required of them by the act of Congress, of the eighth of May, one thousand eight hundred and twenty-two, entitled, "An act supplementary to the several acts for adjusting the claims and titles to lands, and establishing land offices in the District east of the island of New Orleans." Provided, That nothing contained in this act shall be so construed as to extend further than a relinquishment of all right and title to said lands, on the part of the United States, without prejudice to the interests of third powers.

Sec. 3. And be it further enacted, That the Register and Receiver, and Clerk of said Land Office, at St. Helena, shall continue to have and receive, for the term of twelve months from the passing of this act, the same salary for the performance of the duties required of them by this act, and the acts to which this is a supplement, as is now allowed by law, which shall be paid out of any money in the Treasury not otherwise appropriated.

JOHN W. TAYLOR,

Speaker of the House of Representatives.

JOHN C. CALHOUN,

Vice-President of the United States and

President of the Senate

APPROVED—May, 1 1826.

JOHN QUINCY ADAMS.

[PUBLIC—No. 27.]

N ACT to provide for the apprehension and delivery of deserters from French ships in the ports of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on the application of a Consul or Vice Consul of France, named in writing, stating that the person therein named has deserted from a public or private vessel of France, while in any port of the United States, and on proof, by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged, at the time of desertion, to the crew of said vessel, it shall be the duty of any court, judge, justice, or other magistrate, having competent power to issue warrants, to cause the said person to be arrested for examination; and if, on the examination, the facts stated are found to be true, the person arrested, not being a citizen of the United States, shall be delivered up to the Consul or Vice Consul, to be sent back to the dominions of France; or, on the request, and at the expense of the said Consul or Vice Consul, shall be detained, until the Consul or Vice Consul finds an opportunity to send him back to the dominions of France: Provided nevertheless, That no person shall be detained more than three months after his arrest, but at the end of that time shall be set at liberty, and shall not be again molested for that cause.

Sec. 2. And be it further enacted, That this act shall continue in force, so long as the Convention of the twenty-fourth of June, eighteen hundred and twenty-two, between the United States and France, shall be mutually obligatory on the parties to it, and no longer.

JOHN W. TAYLOR,

Speaker of the House of Representatives.

JOHN C. CALHOUN,

Vice President of the United States and

President of the Senate.

APPROVED—May 4, 1826.

JOHN QUINCY ADAMS.

**J: WINN,**

HAS just received by the Steam boats from WASHINGTON and GENERAL WAYNE, from New Orleans, a large supply of

**GROCERIES,**

among which are the following viz.  
36 Hogshead and 40 barrels, superior brown sugar,  
20 Barrels Molasses—Loaf and Lump Sugar,  
40 Barrels No. 2 and 3 Portmouth Mackerel.  
500 lbs best green Havana Coffee,  
Gunpowder, inperial and Young Hyson Teas,  
Indigo, Copraes, Rosin, Almonds, Cloves, Cassia,  
Pimento, Nutmegs and Pepper,  
Best No 1 Chocolate,  
A few casks best Cogniac Brandy,  
Table salt and nails in kegs,  
Greenware by the crate,  
All of which are offered at reduced prices whole sale or retail next door to the Post Office, Main street, Lexington.

May, 19, 1826—20-1f.

**BLANKS**

FOR SALE AT THE GAZETTE OFFICE.



## CANDIDATES FOR FAYETTE COUNTY.

NATHAN PAYNE, Esq.  
Gen. JOHN M. McALLA,  
JEREMIAH ROGERS, Esq.  
ROBT. J. BRECKINRIDGE, Esq.  
JAMES TRUE, Esq.  
MATHEWS FLOURNOY, Esq.

We have copied in this days paper, so much of the proceedings on the trial of BEAUCHAMP as was published in the last Argus. We are informed that on Monday last, Beauchamp's counsel applied to the (Old) court of Appeals to arrest the proceedings against him, but under what rule of proceeding the application was made we have not been informed, it however failed.

Sentence passed for the execution of Beauchamp on the 16th day of June, after which Beauchamp rose with considerable composure and apparent calmness, and remarked to the Court, that he regretted that the shortness of the time fixed for his execution, made it necessary for him to ask a respite of a few more days, after his country had required his death: But that he had a duty to discharge towards others, in whose fate he felt a much deeper interest, than his own—that on this account he was desirous to write on the subject of his death, and for this reason, requested the extension of the time of his execution.

The court replied to him, that any reasonable time within the power and discretion of the court would be given, and extended the time of his execution to the 7th day of July next.

## FROM THE ARGUS.

## BEAUCHAMP'S TRIAL.

The arguments of counsel in this case, were closed on the evening of Friday last. It was conducted with distinguished ability. Every effort was made to save the prisoner which zeal and talents could dictate. Mr. Lacey in opening the defence, Mr. Richardson in continuation, and Mr. Pope in conclusion, exceeded public expectation, and produced a doubt in the minds of the crowd, notwithstanding the strength of the evidence and the ability with which it had been explained by Messrs. Bibb and Mayes. Mr. Denny concluded with great power. After a short retirement the jury returned a verdict of GUILTY. We learn, that there was not the least hesitation in a single juror. The countenance of the prisoner was unmoved. Those who were near him assert, that while speaking to his counsel shortly after, he betrayed sensible emotion.

On Saturday the counsel for the prisoner moved the Court to arrest the judgment, on the ground, that there is no law in this Commonwealth for the punishment of murder.

It seems, that there was no statute law in this state, for the punishment of murder, or any legislation on the subject, until 1793, when an act was passed containing the following section:

"Be it enacted, That no crime whatsoever, committed by any free person against this Commonwealth, (except murder in the first degree,) shall be punished with death within the same."

The next section defines what is murder in the first degree. These provisions had reference to the Common Law then in force, and in effect, made no change in it so far as it regards this crime, except as to the different degrees.

In 1801 an act was passed which contained the following section:

Sec. 1. Be it enacted &c. That any person, his or her aiders, abettors or counsellors, who shall be guilty of murder, and shall perpetrate the same by means of poison, or by laying in wait, or by any other kind of willful, deliberate, and premeditated killing, or who shall commit the same in the perpetration or attempt to perpetrate any arson, rape, robbery, or burglary, shall be deemed a felon, and every other kind or species of killing, which shall be committed with malice aforethought, either express or implied, shall be deemed felony and shall be punished with death. Every person or persons, who shall strike, stab, thrust, or shoot any person or persons, the party which shall so strike, stab, thrust or shoot, so that the person stricken, stabbed, thrust, or shot, shall die thereby within six months next following, although the same be done without malice aforethought, yet shall the party so offending and being legally thereof convicted, undergo a confinement in the jail and penitentiary house, for a period not less than six months, nor more than six years: Provided always, That this act, or any thing therein contained, shall not extend to any person or persons who shall kill another in self defence, or by misfortune or accident, nor shall extend to any other person or persons, who, in keeping or preserving the peace, shall chance to commit manslaughter, so the said manslaughter be not committed wilfully, wilfully, and of purpose, under pretext and color of keeping the peace."

"Sec. 4. So much of every act or acts as comes within the purview of this act, shall be, and the same is hereby repealed."

This act evidently repealed all former statutes defining the crime of murder, and so far, as it extended, superseded the Common Law.

At the November Session 1824, Robert Wickliffe deemed it necessary to amend and explain the penal laws, and by way of amendment and explanation, procured the passage of an act, which contains the following section:

"Sec. 3. That the first section of the said act, passed on the 19th of December 1801, shall be, and the same is hereby repealed: Provided, however, That this repeal shall not extend to any offence heretofore committed, which might be punished under the said first section of said act of 1801; but as to all offences heretofore committed, which were punishable by said first section, the said first section shall continue and be in force."

It was contended by the prisoner's counsel that the statutes of the Commonwealth had superseded the Common Law in relation to the crime of murder, that the section last above quoted repealed all those statutes in force at the time of its passage; that such repeal could not operate to revive the Common Law; and that consequently there was no Law in the Commonwealth for the punishment of murder.

It was contended on the part of the Commonwealth, that taking the repealing section quoted in connection with the rest of the act, it evidently intended to repeal only so much of the section as related to stabbing, shooting, &c. that it should be construed according to the intentions of the Legislature; and that if the statute law were repealed by this section, the Common Law was thereby revived.

The argument of this point occupied the court until Monday. About noon on that day, Judge Davidge decided, that the repealing section of the act of 1825 did not repeal so much of the first section of the act of 1801 as relates to the crime of murder, because such was not the intention of the Legislature, and that if it had repealed it, the effect would have been to revive the common law, or rather

er that the common law was never entirely superseded and would have operated, after such repeal, in full force.

The Judge then proceeded to pronounce sentence on the prisoner. He at first fixed on Friday the 16th day of June for the execution; but the prisoner solicited longer time, alleging that he wished it; not on his own account, but for the purpose of writing something to justify those whom he left behind him. His request was granted, and he was sentenced to be hanged on Thursday the 7th day of July.

The prisoner received his sentence with the most perfect composure and addressed the Judge, asking for further time, in an unflattering voice.

His counsel moved an appeal; but it was refused. Application, it is said, will be made to the old Court for a supersedeas.

It is circulated, far and wide, that an entire reconciliation has taken place between Mrs. Sharp, her family and friends, and Darty. There is no truth in the story. We understand a report is also in circulation, that Mrs. Sharp admitted on oath, upon Beauchamp's trial, that her publication was untrue. On the contrary, she swore that every statement in it was true, so far as she knew or believed. Dr. Sharp did the same [ARGUS].

## A CARD.

The Trustees of the town of Lexington, think their duty to inform the Public, that a report having been spread by some malicious persons that there were two cases of the Small Pox in this Town, they called on Doct. Cloud to immediately visit those suspected families, the following is the Doctor's report.

Lexington, May 23d, 1825.

Mr. THOMAS NELSON, Ch. B. T. T. L. Sir—According to your request I have visited the families of Messrs. Bryan and Page reported to be affected with Small Pox, and find them entirely free from it, Mr. Bryan having had the Small Pox in Ireland when an infant and Mr. Page having at this time the Kine Pox in a perfect state, and no appearance of Small Pox in either Family.

C. W. CLOUD.

The Senate of the United States confirmed on Thursday the nomination of Mr. Gallatin, as Envoy extraordinary and Minister Plenipotentiary to Great Britain.

The Senate also confirmed the nomination of Captain Charles Morris of the Navy, as one of the Board of Navy Commissioners.

The President of the United States has recognized the *Chevalier Joachim levar de Eguiguren e Morua* as Consul of his most Faithful Majesty, for the Port of New York. Also, *Salomon Marks, Jr.* Esq. as vice Consul of the same for the State of Virginia, to reside at Norfolk. Also, *Thomas H. Howard* Esq. as Vice Consul of the same for the District of Columbia.

The President has also recognized *Anthony Lancaester Jollyneux* Esq. as Consul of his Britannic Majesty for the state of Georgia. And *E. E. Peterson* Esq. as Consul (ad interim) of the Grand Duke of Tuscany, for the State of New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia [ib].

## MR. BRADFORD.

Although a Farmer, and rather more accustomed to ploughing, and feeding stock than discussing politics, yet the present critical state of our state politics induces me to say a few things through you to the public. If I have differed with you before on the relief laws, or about the Old and New Judges, I hope you will still think me candid and sincere when I say that I would rather be friends again with you and your friends. I am tired of the everlasting disturbance which is kept up by those who think they know every thing, when I do believe they don't know more than some of their neighbors. I believe if some half dozen of the leaders of your party with about as many of mine were banished to the Columbia River, or China, that we would have a great change in a little time.

What is the reason that we cannot settle the dispute about the two Courts? Some of my friends tell me that they will not compromise the constitution away. I heard one of my neighbors talk in this way the other day, and I asked him how that was to be done, by a fair settlement of the dispute? He said, that he had never heard of a fair mode of settling it. Says I, if you can see any fair way of settling it will you support a compromise? (for you must know I am in favor of a compromise) Says he, I would be in favor of it as much as you, for I have not so much confidence in some people as I had last year. I don't like their violent conduct at the Legislature, and particularly their insulting the Governor of our state, as they did. I voted for him and when they insult him, they insult me. In fact said he, I am tired of this interruption in good feeling among the people, as well as in the administration of justice.

I then told him of one which I had heard, and which I thought he must approve no matter how careful he might be of the constitution. And I conclude that it is the plan which the candidates in this county will support. It is something like the following.

The New Court men agree to repeal the reorganizing act.

The Old Court men join them in addressing the Old Judges out of office, if they will not resign voluntarily.

If the compromise party in the Legislature cannot get two thirds on an address they will then add as many judges of the New Court party to the Old Court, and give it such modifications as the wisdom of the Legislature and the wishes of the people may require.

He said he could not perceive at that time any objections to the plan, and if he could be satisfied that the constitution was not to be injured by it he would be agreed to it. I told him that as the reorganizing law was the only law complained of, and that was to be repealed, he must certainly be satisfied about that part—that he could not object to an address of two thirds to turn the Old Judges out as unconstitutional, inasmuch as I knew that he and myself had both been in favor of turning them out in that way before; for we were both against the decisions of the Old Court, along with a majority of the state;—and that as to adding to the number of the court that was a right acknowledged by both parties to belong to the Legislature.

He appeared to be struck by my arguments in favor of the plan for restoring peace; and in order to fix him at once, I put him in mind of the proof that your party had given us of their candour, in selecting voluntarily from our party two candidates, Messrs. PAYNE and ROGERS, along with one of their own party, Gen. McALLA. I told him that although some of our party charged them with doing this as a trick, yet I never could see the cunning of it, it was a trick, inasmuch as it gave their adversaries the odds against them. On the contrary, I took it as a proof of their sincerity and their determination to put an end to all the troubles of the country. He finally agreed with me in the determination to support that ticket.

I am much pleased to find so many of my religiously disposed neighbors inclined to take this matter up seriously. They decided the contest in Fayette last year, and they can, and I believe will decide it again this year. I find many of those who are disposed to promote the interests of morality and piety,

think they prosper best in a peaceable state of society, and where the laws are well understood and uniformly applied. They begin to think that they may be straining at a gnat whilst they are swallowing a camel. May they go on till the polls are opened, in this frame of mind, is my sincere wish. I shall truly rejoice when this distracting dispute is settled, and when those who now look angrily at each other, shall meet with open faces as they used to do.

Excuse this from your  
Fayette County, Ky. Old Friend  
May 22, 1826.

## CONGRESS.

In the Senate, the resolution declining a conference with the House of Representatives on the Judiciary Bill, was agreed to, by a vote of 24 to 13. The bill relative to the Illinois Canal was rejected by the casting vote of the Vice President; and the bills yesterday ordered to a third reading, were passed and sent to the House of Representatives.

In the House of Representatives yesterday, a resolution introduced by Mr. FOSYTH, to place the Protest of the Georgia Delegation on the Journals, was agreed to. The bills which were acted on in Committee on the preceding day were passed; and about sixteen or seventeen other private bills went through Committee of the Whole, and were ordered to be engrossed, and read a third time to day.—The resolution offered by Mr. GARNSEY, relative to the Indians in the State of New York, was finally adopted with an amendment. Among the bills ordered to a third reading, is one to incorporate an Insurance Company in Georgetown in this District. An unsuccessful effort was made by Mr. BURGESS, to bring up the bill to provide for the Surviving Officers of the Army of the Revolution. *Nat. Jour.*

## LOUISVILLE CANAL.

The bill authorizing a purchase of one thousand shares of stock on the part of the United States, in the Louisville and Portland Canal, of the Falls of Ohio in Kentucky has become a law. From what passed in both Houses of Congress in the discussion of this bill, added to the information since obtained from persons well acquainted with the commerce of the Ohio River, we are confirmed in the belief, that no work of unusual character, and equal magnitude, in the United States, can be found, or undertaken, that is calculated to render advantages so general and extensive. It appeared, the loss annually sustained by the commerce of the Ohio river, occasioned by the obstruction to its navigation, presented by the Falls, was variously calculated to be from five hundred thousand to nine hundred thousand dollars. The single item of drayage round the Falls was estimated to amount to one hundred thousand dollars. The work was commenced in March, and is now prosecuting with adequate force—contracted to be completed in November, 1827, for three hundred and seventy seven thousand dollars. It is supposed, including cost of land and contingencies, the whole work, including dry docks, will be completed for four hundred and twenty thousand dollars. The stock consists of six thousand shares of one hundred dollars each. It is believed the assessments will not exceed seventy dollars a share. The canal is contemplated to pass the largest class of steam boats, being one hundred and ninety feet wide. The fall of water is twenty seven feet, affording an extensive and valuable water power, secured to the company by charter, which is perpetual, guaranteeing twelve and a half per cent, divided, annually, limiting it to 18 per cent, which those best acquainted with the commerce of the West, entertain no doubt will be divided. The stock having all been subscribed, it appears the object of the company in procuring the passage of this bill, was a precautionary measure to prevent embarrassment, should any delinquency take place, which, from the embarrassment of trade, and the scarcity of capital, occasioned by the many recent failures, might, in some degree, be expected.—*ib*

## IN SENATE.

FRIDAY, MAY 12.

The bill to regulate process in the United States Courts, in those States which have been admitted into the Union, since Sept. 1789; and a bill to enable the President to hold treaties with certain Indian Tribes in Indiana, for the purpose of extinguishing their title to land in the State, were passed to a third reading.

Almost the whole day was passed in the discussion of the bill to establish certain collection districts in Kentucky, Ohio, Illinois, and Missouri; and it was postponed to the 1st Monday, in December next.

## HOUSE OF REPRESENTATIVES.

Mr. Webster, from the Committee on the Judiciary, made a long argumentative report on the disagreement between the two Houses, upon the bill "further to amend the Judicial System of the United States" closing with a recommendation that the House reject the bill as amended by the Senate. Mr. W. gave notice that he would, tomorrow morning, call up the report for consideration; and in the mean time, it was ordered to lie on the table.

## FROM THE NATIONAL JOURNAL, MAY 15.

In the Senate on Saturday a number of bills from the House of Representatives were read a third time and passed. A bill in relation to the improvement of the navigation of the mouth of Pascagoula River was ordered to a third reading. The bill to regulate the commercial intercourse between the United States and certain British colonial ports was postponed to the 1st Monday in December next, by a vote of 16 to 14.

Mr. MINER of Pennsylvania, introduced into the House of Representatives on Saturday, a series of resolutions, the object of which is to effect a gradual change in the population of the District of Columbia, with a view to raise it to that moral, political, and intellectual rank, which, as the seat of government of a great and glowing republic, it ought to occupy. The House refused to consider the resolutions at this time. We have not had time to examine them with the attention they seem to deserve; but, from what we have seen, we cannot but feel a wish that they may be offered again, at a more reasonable time, and under more auspicious circumstances. The residue of the private bills, in the first class, with the exception of such as were passed over, were then acted on in Committee of the Whole. An estimate of the cost, per mile, of the contemplated road from this City to New Orleans, was received from the War Department, and will be found in the columns devoted to Congressional proceedings.

The four classes of business which remain to be acted on, compose, at least, one hundred and twenty bills; and when it is recollected, that after Thursday next no new bills can be sent from one House to the other, a tolerable accurate calculation may be made of the quantity of business which ought to be despatched every day.

The report on the subject of the disagreement between the two Houses, on the Judiciary bill, will be taken up this morning. The general impression is, that the House will adhere to its disagreement, in which case the bill is lost.

## WASHINGTON, MAY 6.

It will have been perceived, in the account of proceedings of the Senate of Thursday, that the Bankrupt Bill has, with the consent of its friends, been laid upon the table in the Senate, with the understanding that it will not be called up during the present session. When this bill was taken up,

a week ago, for consideration, it was declared by the gentleman who introduced it, (Mr. Hayne) that it was the wish of the Committee that an experiment should be made of the practicability of acting on it at this time, and the pledge was given that it would not be pressed if it was found that it would occupy more of the time and attention of the Senate than could be spared from the other business before that House. The vote on the motion to postpone the subject indefinitely, (which was taken without debate and lost) was considered as an indication of an opinion decidedly favorable to a Bankrupt system. In the further progress of the business, however, it very soon became apparent, that from the pressure of other matters, at this late period of the session, and the continual interruptions to which the Senate is exposed by their Executive duties, there was no hope whatever of acting finally on the Bankrupt Bill during the present session. We are informed, that under these circumstances, the zealous friends of the measure in both Houses acquiesced in the necessity of laying the bill on the table. Much has been done, however, towards the object. A bill has been prepared and digested with great pains, and will, doubtless be brought forward at an early day at the next session. In the mean time, public attention will be called to the subject; and it is hoped that the public opinion will be so distinctly expressed as to leave no doubt as to the wishes of the People on this subject. On the whole, then, something has been gained towards the establishment of a general system of Bankruptcy, by the proceedings which have already taken place. The zeal with which the subject has been taken up, and the favorable disposition manifested in the Senate towards it, justify the best hopes of final success. In the mean time, the publication of the arguments in the Senate, (which will take place in due course) will afford all the information necessary to the formation of an enlightened public opinion on the subject. *National Intelligencer.*

Extract of a letter from a member of Congress to a friend in Lexington—

WASHINGTON CITY, May 16, 1826.

We have seen with much regret many statements rumours &c. in the Kentucky papers, much calculated to mislead the public mind in Kentucky, and to injure all the parties concerned. The Whig, Argus and Georgetown Sentinel have severely contributed their portion. It is not true that Mr. Clay was present when Mr. Randolph made the speech on which the challenge was founded. It is not true that Gen. Metcalf has challenged Mr. Rowan. It is not true that Mr. Trimble has challenged Mr. M'Duffie. I cannot believe that the statements have been made with a knowledge that they were untrue but it is certain that they are so.

Latest from Europe.—The packet ship Friends, Captain Warnack, arrived at New York from Greenock, has brought London dates to the 24th of March.

It is stated that the Duke of Wellington had accomplished his mission at St Petersburg, and that the Emperor Nicholas had resolved to join the other great powers in protecting the Greeks. A peremptory demand, it is said, is to be made to the Grand Seigneur, that he withdraw his troops from Greece, and relinquish all claims to the sovereignty of that country.

The King of England's health was rapidly improving.

Extract of a letter from Rio Janeiro, March 22. "We have some account here that Gen. Sucre has entered the city of Assumption, in Paraguay, where he was received by the inhabitants with open arms, and Francia driven from thence. Should this be true, that country will probably be open to commerce." *[Nat. Journal]*

A letter from Matanzas, dated on the 27th ult. received at Charleston, says a French fleet had arrived at Havana, presumed to have been sent out for the protection of the island of Cuba; the number and force is not mentioned. [ib]

## IMPRESSMENT.

It is positively stated, that Captain Clering, of H. B. majesty's ship Redwing, impressed two of the crew of the brig Pharos, of Boston, while they lay in the harbor at Sierra Leona.—Captain Clering, who commanded the brig, when he applied for his men, is said to have been treated with great indignity. A few days ago, commodore Bullen, having arrived, ordered the release of one of the men because he had an American "protection," but detained the other as an Englishman, for the want of one!

*Obsta principiis*, as the "Enquirer" says. This is the first case of impressment, we believe that has occurred since the late war, and we shall be much surprised, indeed, if it is not met with a resolution that it shall be the last. The British pretension "right of search" is sustained by the act of Com. Bullen, as well in the release of one of the men, because he had a "protection," as in detaining the other because he had none. We did hope that the practice of granting protections had long since ceased. It partially admits the right of examining the crews of our vessels, which the national feeling will not at this day, admit of, and which must not be allowed; and the retaining of the seamen, because he was without a paper protection, shows that British officers yet feel themselves authorized to act as judges, jurors and executioners of our people. This will not be permitted. If the case is made out to the president as it is stated in the papers, we feel perfectly confident, that a positive understanding will be deemed on this interesting subject at once; and that though Great Britain may hold out for the *Principle*, she will be required at least to abstain from the PRACTICE. The "bits of striped bunting" at the mast heads" of our vessels must protect those who sail under them, except from civil process, while lying in foreign ports or for offences committed against the laws. The nation will resolutely and unanimously support the administration in any measures adopted to forbid the impressment of our gallant seamen. This outrage would not have been committed, had an American naval force of equal strength to that of the British been lying at Sierra Leona; or if so, the man *stealer* would have been punished, on the instant, for his base and cowardly act. Clering appears to be an overbearing and impudent fellow, and apt to commit outrages on the defenceless; but the impressment is now made the doing of Com. Bullen, and it is that man who must account for it.—*Niles' Register.*

## OYSTERS, OYSTERS.

JUST LANDED from New Orleans a few thousand OYSTERS put up in their own liquor and in the best manner for family use; and for sale by the subscriber at his seller near the upper Market at fifty cents per hundred.

WILLIAM METCALF.

Lexington May 25, 1826—21-2t\*

## Commissioner's Sale

ON Monday the 19th day of June next will be sold at public sale to the highest bidder, on a credit of twelve months, the purchaser to give bond and approved security with interest from the day of sale; One lot of ground on the north west side of Rose street adjoining the lot of Mr. Hutchins on Main street, Lexington, and a fractional part of a lot on the south east side of Rose street, it being the property of Samuel Vannett deceased. This sale is made in pursuance of a decree of the Fayette Circuit Court in Chancery at their February term 1826.

THOMAS NELSON

Commissioner.

Lexington, May 26 1826—21-1td.

## AUCTION.

By D. Bradford,

SATURDAY MORNING, MAY 27.

Cloths, and Kersyesmeres, Satteen stripes, Vestings, Gingham, calicoes, and bricks, swags, Muslins, Bagees, silk, flag, and nadras handkerchiefs, Linen Dapet, bleached and unbleached Shirts, Goshaw, 3 and 33 point Blankets, Suspenders, Sewing Silk and Cotton, Wax and Glass Beads, Flint Tumblers, Looking glasses and Queensware, Brass Candlesticks, Cloth Brushes, Cork Inkstands and Shaving Soap, Scissors, Razors & Watch Chains, Waterproof Ties, Boots, Shoes and Pumps, Wire Serves, &c. &c.

A valuable stock of BOOKS daily expected.

May 26, 1826—21-1t

## Lexington Library.

THE SHAREHOLDERS OF LEXINGTON LIBRARY will please to observe that their annual meeting for the election of 13 Directors, and other purposes, will be held at the Library on the first Saturday in next month. The meeting should convene at 10 o'clock A. M.

JAMES LOGUE, Sec. & Lib.

May 24, 1826.—21-3t.

## MEDICAL NOTICE.

DOCTOR BEST respectfully tenders his professional services, in the various branches of the profession, to the citizens of Lexington and Fayette county. His office and residence are in Main street between the Grand Masonic Hall and St John's Chapel.

N. B. A few Medical students can be accommodated with board and lodging.  
April 6, 1826—14-tf.



JAMES M. PIKE'S

Official Prize List of the eighth day's Drawing

OF THE

Grand Masonic Hall Lottery,

Which took place in the GRAND HALL, on

Monday the 1st inst. (Numbers with no amount against them are Prizes of TEN dollars each.)

20	1247	2256	15	3398	5373
40	15	1315	289	3417	4402
54	359	237	440	411	
56	1424	376	467	432	
154	20	433	393	3507	444
167	500	440	395	512	461
175	5	464	397	543	5610
195	470	2408	549	524	
207	494	20	426	561	580
233	497	433	3608	597	
241	498	441	618	4607	
246	1505	444	15	633	615
323	522	458	15	661	20
338	529	493	3700	15	691
348	537	15	2522	708	698
382	15	549	549	716	50
489	569	555	720	744	
476	580	2616	745	774	
599	15	594	654	771	795
601	15	1621	2714	3824	4824
637	628	723	830	20	846
651	675	725	843	100	880
662	674	756	3912	15	891
768	1756	2816	15	950	4966
868	20	1831	886	15	971
916	20	886	357	880	50
982	1000	895	361	20	4004
994	1869	3023	32	15	5150
995	995	100	76	33	141
976	15	2011	3111	20	37
1065	8	100	123	55	160
69	86	141	86	166	
81	2107	3236	4118	174	
86	157	327	125	183	
1104	168	291	50	452	5-00





## POET'S CORNER.

FOR THE GAZETTE.

**LIFE.**  
This life is like the troubled sea,  
When tempests fret its waves in motion;  
It surges like man's destiny  
For trouble is our earthly portion.  
The storm may cease—a glassy sea,  
Presents its surface to the eye;  
But soon the wind may blow again,  
And raise huge billows on the main,  
So 'tis with life—for man to-day  
Knows nothing but felicity;  
To-morrow sinks in misery.

This life is like the rapid stream,  
Which issues from the mountain's side;  
Thro' rocks and shoals the sunny beam  
Alike the ceaseless water's glide.  
It gathers in its devious course,  
From creeks and rills a greater force  
O'er rocks and shoals its waters free  
Are lost or mingled with the sea.  
Just so is man—his efforts vain  
To banish trouble, grief and pain  
'Till launched in the eternal main.

This life is like a field of grain  
In Autumn sown for Summers reaping;  
Like man—it shares the drought and rain,  
The Summer's heat and winter's freezing.  
It ripens and is soon cut down  
The Farmer claims it as his own;  
Then from the ear the grain is beaten  
Prepared for use and quickly eaten.  
Even so is man—for death destroys him  
Body and spirit separate;  
The little worm as food enjoys him,  
If rich, or needy, weak or great.  
OSCAR.

FOR THE GAZETTE.

**MEDITATIONS ON A TOMB-STONE.**  
Why do I sit in sadness here,  
Upon this hollow tomb?  
Why every evening here repair,  
And weep amidst the gloom?  
Is it that I will soon be here,  
My eyes with tears grow dim?  
Is it to view the stranger's grave,  
And sympathize for him?

My Mother! 'tis for thee I weep,  
And pine in anxious thought—  
Though with your kindred dust you sleep,  
Yet here will I be brought—  
Day after day this spot I'll view,  
'Till my own grave be made;  
Then when I take my last adieu,  
With thee shall I be laid.  
SYLVANUS.

## NOTICE.

THE Stockholders of the Farmer's and Mechanic's Bank of Lexington, are hereby informed, that the Board of Directors have ordered a dividend of the surplus fund of 3 per cent on the amount originally paid on their stock. To pay which I will attend at the office of the Bank of the Commonwealth in Lexington, every Saturday for 6 weeks from this date.

M. T. SCOTT, Cash'r.  
May 8, 1826—19—4t.

## Dissolution of Partnership.

THE partnership heretofore existing under the firm of Foster & Varnum is this day dissolved by mutual consent. All persons indebted to the firm are requested to make immediate payment to H. Foster who is authorized to settle the same. All persons having claims will present them for settlement.

HUGH FOSTER continues business as usual in his old stand and has on hand for sale some of the best CLOTHS and CASSIMERS low for cash.  
Lexington, May 1, 1825—18—4t. JOHN VARNUM.

## CABINET WAREHOUSE.

THE Subscribers having united in carrying on the Cabinet Business, under the firm of **WILSON & HENRY,** Take this opportunity of informing the public, that they occupy the same stand for many years in possession of Robert Wilson. His Shop has been rebuilt, and is well stocked with tools and workmen of the best kind. The firm has laid in an excellent stock of MABOGANY, as well as every other material necessary for their business, and they can safely say, that they are prepared to execute with neatness and dispatch, any order in their line.

They will in a short time, have a large assortment of Sideboards, Bureaus, Bedsteads &c. finished, and will be glad to see their friends call and examine for themselves.

## Mattresses,

Made at the shortest notice, and in superior style.  
**ROBERT WILSON,**  
**JOHN HENRY.**  
Lexington, Sept. 1st, 1825—33t.

## MEDICAL NOTICE.

**DOCTOR BEST** respectfully tenders his professional services, in the various branches of the profession, to the citizens of Lexington and Fayette county. His office and residence are in Main street between the Grand Masonic Hall and St John's Chapel.  
N. B. A few Medical students can be accommodated with board and lodging.  
April 6, 1826—14—4t.

## NEW GOODS.

**PRIFFHARTT AND ROBINSON** have just received their Spring Goods, consisting of a very general assortment of **MERCHANDISE.**  
They invite their friends to give them a call, and pledge themselves to sell on as good terms as any in Lexington.  
May 2d 1826—18—4t.

## LAW NOTICE.

**James Clarke and D. M. Woodson,** HAVE united in the practice of the Law in the Woodford circuit and county courts. Business entrusted to their care will be punctually attended to. Their office is in Versailles, where one of them may be always found. They will also practice in the Jessamine courts.  
May 2nd 1826—16—4t.

## JAMES B. JANUARY.

**PRESENTS** his compliments to his clients and informs them, that during his temporary absence, their business in Fayette circuit court will be attended to by Richard H. Chinn, Esq. Col. Leslie Combs and Col. Thomas M. Hickey, and in the Jessamine circuit court by Maj. James Shannon and Capt. Levi L. Todd.  
Lexington Jan 27th, 1826—4—4t.

**JAMES SHANNON, Late of Wheeling, Va.**

**WILL** practice law in the Circuit and County Court of Fayette, and the Circuit Courts of Bourbon and Jessamine. All business entrusted to him will receive prompt attention. His office is on Short Street.  
Lex. Dec. 20, 1824—25—4t.

## Journeyman Blacksmiths.

I will give liberal wages to a few journeymen, well acquainted with the Blacksmith's business, and who can come well recommended.

**JOHN EADS.**  
Lexington March 24, 1825—12—4t.

## FIFTY DOLLARS REWARD.

**STRAYED** or Stolen from the Stable of Daniel B. Price in Nicholasville on the night of the 27th inst a sorrel horse, four years old this Spring, fifteen and a half hands high, hind feet white with some red spots around the edge of the hoof, a spot one or two inches long mixed with white and red hairs behind the withers, on the left side produced by the Saddle, a few white hairs above or near the curb in the forehead, a very small white spot on the right side of the rump just above the appearance of a burn, (the three last mentioned marks only discoverable when tolerably close noticed) the hair a little worn off, of the side by the saddle skirts, no other marks recollected.

I will give the above reward for the horse and detection and conviction of the thief or twenty dollars or the horse if found out of Jessamine County, if found in the county a reasonable reward—The Horse was raised on the farm of John Price Clarke county, and at liberty it is probable he will make his course to that place.  
**JEFFERSON PRICE.**  
Nicholasville March 29 1826—13—4t.

## LA MOTT'S COUGH DROPS.

Important Medicine for Coughs and Consumptions.

**THIS** Elixir is not offered to the public as infallible, and a rival to all others, but as possessing virtues peculiarly adapted to the present prevailing disorders of the breast and lungs, leading to consumption. A timely use of these drops may be considered a certain cure in most cases of

Common Colds, Coughs, Influenza, Whooping Cough, Pain in the Side, Difficulty of Breathing, Want of Sleep arising from debility; and in *Synsmodic Asthma* it is singularly efficacious. A particular attention to the directions accompanying each bottle is necessary.

The following certificates from respectable gentlemen, physicians and surgeons, are subjoined, to show that this composition is one which enlightened men are disposed to regard as efficacious and worthy of public patronage.

Having examined the composition of Mr. Crosby's improvement upon

## La Mott's Cough Drops.

we have no hesitation in recommending them to the public, as being well adapted to those cases of disease for which he recommends it.

Doct's Jonathan Dorr, dated Albany, Dec. 4. 1824: James Post, of White-Creek, Feb. 14th, 1825: Watson Sumner and John Webb, M. D. of Cambridge, Feb. 20th 1825: Solomon Dean, of Jackson, Jan. 20th 1825.

Mr. A Crosby—I am pleased with this opportunity of relating a few facts, which may serve in commendation of your excellent Cough Drops. For ten years I was afflicted with a pulmonary complaint; my cough was severe my appetite weak and my strength failing. I used many popular medicines, but only found temporary relief, until by a continued use of your valuable drops, I have been blessed with such perfect health as to render further means unnecessary.

**REV EBENEZER HARRIS.**

**Salem [N. Y.] January 12th, 1825.**  
Prepared by A. CROSBY, sole proprietor, Cambridge (N. Y.) whose signature will be affixed in his own hand writing to each bill of directions. Be particular that each bottle is enveloped in a stereo or check label, which is struck on the same bill with the directions.

Sold wholesale and retail, by Dr. G. DAWSON Pittsburgh—J. CRAMBECKER, Wheeling—F. M. WEDDELD, Druggists, Cleveland—O. & S. CROSBY, Druggists Columbus—GOOD WIN, ASHTON & Co. M. WOLF & Co. A. FAIRCHILD, Druggists Cincinnati—BYERS and BUTLER, D. WILSON, Druggists Louisville—and retail by J. D. THOMAS, Winchester Ky and at the

## Drug Store of James Graves,

Lexington, Ky.  
Each bottle contains 45 doses; Price One Dollar single; nine Dollars per doz.  
May 25th 1825—1 year.

## Morocco Manufactory.

**THE** Subscriber respectfully informs the public that he has commenced the above business in Lexington on Main Street; and from a long experience in one of the principal cities in Europe, and the United States also; he flatters himself he will produce articles in his line equal to any in the Union suitable for Shoe Makers, Hatters, Coach Makers, Saddlers and Book Binders which he will sell twenty per cent less than imported skins.

This he hopes will induce the consumers in the Western Country to give a preference to their own manufacture.

N. B. A constant supply of hatters WOOL on hand.  
**PATRICK GEOHEGAN.**  
January 13th, 1825—2—4t.

## LEXINGTON DYE-HOUSE.

**THE** subscriber has lately removed from his old stand on Main Street, to the large stone house formerly occupied by Mr. W. Tod, on Water St between the Lower and Upper market Houses; where SILKS, CRAPES, CLOTHS, &c. &c. will be dyed in various colours and finished equal to any in America or Europe, and warranted durable. All kinds of GARMENTS will be SCOURED AND DRESSED in the best manner and at the shortest notice. Having had long experience in this business, he doubts not, his efforts to please his customers, will prove satisfactory.

**WILLIAM CAHILL.**  
Lexington April 6. 1826—14—4t.

## WHISKEY.

**WHISKEY** of a superior quality for sale by the barrel, by **DAVID MEGOWAN.**  
Upper end of the upper market-house.  
Lexington, May 10th, 1824—20—4t.

## The Subscriber

**HAVING** a large stock of Brushes on hand and being concerned with an experienced workman has, and will keep a GENERAL ASSORTMENT OF BRUSHES, made in the neatest manner Wholesale or Retail; likewise SOAP, CANDLES and GLUE, by the box or barrel, of his own manufacture, warranted good. He will, about the last of April, have fifty or sixty barrels Glue ready for delivery, which will be sold low for cash. Those wanting will please call.

**SAM. COOLIDGE.**  
Main Cross Street.

Lex. February 1st 1826—5—4t.

## LEXINGTON HOPE FOUNDRY.

### Richard Henry

**HAS** commenced the above business in all its branches, opposite the upper end of the Upper Market, where he is ready to make all kinds of

### Brass & Iron Castings

On the shortest notice, and on the most reasonable terms.  
CASH will be given for OLD COPPER, BRASS, and PEWTER.

Lexington, Oct. 14, 1825—41—4t.

**For Sale,**  
**145**  
**ACRES OF FIRST RATE LAND.**

One mile and a half from Lexington on the Frankfort road, nearly one half is timbered land, the balance is in a good state of cultivation; a frame house and Orchard, and one of the best springs in Fayette county, and an indisputable title. The above land being the property of William L. McConnell dec'd, and is now offered for sale low for CASH by the heirs of said dec'd. For further particulars enquire of the subscriber in Lexington, and the terms will be made known by him and the land shown, &c.  
**GEORGE ROBINSON.**  
Lex. April 1, 1824—14—4t.

## PORTER'S INN.

### R. W. Porter,

**MAKES** the liberty of informing the public that he has removed to LEXINGTON and has opened a House of Entertainment at the stand formerly occupied by CHAS. WICKLIFFE Esq.—The house has been handsomely repaired and is not inferior to any for accommodation in the Western Country.

A new Stable will soon be erected and will be provided with every thing necessary. He hopes by his attention to the business to deserve the patronage of the Public.  
The Eagle at Maysville, the Mount Sterling Whig, the Flemingsburgh Star, the Farmers Chronicle Richmond, Weekly Messenger, Russellville, Western Citizen Paris, Argus Frankfort, and Louisville Gazette will insert the above 6 months and forward their account for payment.  
Lexington Ky. April 21, 1826—16—6m.

## OLYPIAN SPRINGS.

BATH COUNTY, KENTUCKY.

**THE** subscriber has taken the Olympian Springs, so well known as a favourite watering place, and expects to remain at home for a term of years. He intends to keep a house of

### PRIVATE ENTERTAINMENT.

For visitors during the watering season, and for travellers at all times. The prices to travellers shall be as cheap as at any other good house of entertainment on the road, & to visitors during the watering season the prices as below. To those who may think proper to visit the Olympian Springs during that season, he promises to use his best exertion to please, and hopes none will go away dissatisfied.  
**TOOS. I. GARRETT.**  
Rates of Boarding in specie during the Watering Season:  
For a Lady and Gentleman per week, \$4 00  
Children, do. 2 00  
Servant, do. 2 00  
Horse, do. 2 00  
Man and horse where they do not remain one week, per day 1 25  
Any person calling for any thing to eat between meals except the sick will be charged extra.  
Mr. W. M. H. CLAY will have PRACTISING BALLS during the watering season, which it is hoped will add to the pleasures and attractions of the springs.  
P. S. A POST OFFICE is established, and the mail will pass once or twice a week at least.  
**T. I. GARRETT.**  
April 25—17—3m.

## CASTINGS, FOUNDRY, AND

**Grocery Store.**

### Joseph Bruen,

**HAS** just received the following GOODS, viz: SHOES FOR CHILDREN, pegged and not pegged.

From Philadelphia, a complete assortment of GARDEN SEEDS,

### —ALSO—

### GROCERIES.

TEA, COFFEE, SUGAR, CHOCOLATE, RAISINS, FIGS, RICE, PEPPER, ALSPICE, HONEY, CINNAMON, SOAP, CIGARS, TOBACCO.

Spermacetti OIL for LAMPS, London Madeira, in Bottles, Sherry Wine, Domestic Wine, Cherry Brandy, two kinds, French Brandy, R.U.L. Old Peach Brandy, Old Whisky, Cordials, in bottles & by the gallon.

**LIQUID BLACKING,** in boxes do. **RAZOR PASTE.**

N. B. For the convenience of many, he keeps Coffee ready roasted (in the Patent Cylinder) also, best Pepper and Spice, ready ground. He hopes that the Coffee thus burnt will prove excellent, and far superior to any other, by those who will try it. There will be a separate list of his Garden Seeds.  
**JOSEPH BRUEN.**  
Lexington, Nov. 28, 1825—46—4t.

**COTTON.**  
A FEW Bales of Alabama Cotton of the first pick, for sale—also—5th proof & Common proof

of first quality, from the Union Mills—on reasonable terms.  
**JOHN BRAND.**  
Lex. Nov. 10 1825—45—4t.

**SADDLE TREES**  
**WILL** be kept at Mr. JOHN BRYAN and Son's Saddlery Shop on Main street, Lexington where saddlers may be supplied at all times.  
March 6, 1826—10—4t.

## MARNIX VIRDEN,

**RESPECTFULLY** informs his friends in Lexington, as well as visiting strangers, that he has provided himself with

### A COUPLE OF JAC.

And strong gentle horses, and is now ready to accommodate such as may please to favour him with their custom. He intends driving himself, and from more than four years experience in driving in Lexington, he feels confident that his character as a safe and careful driver has been so well established, as to insure him a full share of public patronage. His residence is on Mill street, near the Lexington Steam Mill, where those who wish his services will please apply.  
Lexington, July 29th, 1825—30—4t.

## Col. Solomon P. Sharp's Clients,

**ARE** informed, that his executors have employed DANIEL MAYES, attorney at law, to close the unfinished business of Col. Sharp, in the several courts holden in Frankfort and the adjoining counties. Mr. Mayes has taken possession of the room lately occupied by Col. Sharp, in Frankfort, as a law office; and will regularly attend to any business of a professional character that may be confided to him. It is his intention to resign his station as a representative, immediately on the rising of the legislature & to reside in Frankfort.  
Dec 16th 1825—50—6m.

## LAW NOTICE.

**J. M. McCalla and J. O. Harrison,** HAVE united in the practice of the law, in the Fayette and Jessamine courts. Their office is kept at the corner of short and upper streets, opposite the public square, in the room lately occupied by Dr. Warfield; where one or both may at all times be found.  
Lexington Dec 8, 1825—49—4t.

## WHEAT.

**THE** highest price in CASH will be given for good Merchantable

### WHEAT

At the ALLUVIAL MILLS in Lexington, where may be always had, Superfine

### FLOUR

And excellent CORN MEAL.  
**JOSEPH BARNETT.**  
Dec. 16th 1825—50—4t.

## RAGS, RAGS.

**I** WILL give, two and a half cents per lb, for good clean linen and cotton rags delivered at my store, corner of Cheap Side, Lexington.  
18—4t. **G. W. ANDERSON.**

## Lancasterian Seminary.

**THE** fourth Session in this Institution will commence on the first Monday in March next.

Tuition fees will be in gold or silver.

**WILLIAM DICKINSON** Prin'l.  
February 22 1826—8—4t.

## The Celebrated Maryland Pony,

### LITTLE TOM,

**STANDS** this season at Mr. GEORGE DUNLAP'S, 3 miles east of Lexington on the Boonsborough road, and will be let to mares at the moderate price of three Dollars specie the single leap; payable in hand, Five Dollars the season payable on the 25th December next, or Four Dollars if paid within the season, and Seven Dollars and fifty Cents to ensure a mare with foal, payable when it is ascertained—Any person parting with a mare before it is known, will be liable for the insurance. The season has commenced and expires the 1st of August. TOM has a number of colts in this vicinity, equal to those of any other horse in point of size and figure and are allowed by judges to have fine bone. For Pedigree see bills.

**G. & A. DUNLAP.**

April 14 1826—15 4t

State of Kentucky, Jessamine Circuit Set April term 1826

Thomas S. Smith and others Complainants

AGAINST,

Samuel McD. Moore and Sarah Moore administrators of Andrew Moore dec'd. DEFENDANTS.

**IN CHANCERY.**

**THIS** day came the complainants by their counsel and it appearing to the satisfaction of the Court that the defendants are not inhabitants of this Commonwealth and they having failed to enter their appearance herein agreeably to law and the rules of this court. Therefore on motion of the complainants it is ordered that unless the said debt do appear here on or before the first day of the next July Term of this court and answer the Complainants bill the same will be taken for confessed against them; and it is further ordered that a copy of this order be inserted in some authorized newspaper printed in this Commonwealth for two calendar months successively and this cause is continued until the next Term.

A copy test  
19—2a **DANL. B. PRICE,** Clk. j. c. c.

## CROSS KEYS

**THE** Subscriber has taken this well known stand on the corner of Main and Spring streets; where he intends keeping a house of

### Entertainment,

for those who may favor him with their custom. Having had long experience in this business he hopes his TABLE, BAR, STABLE and WAGON YARD will give general satisfaction.

**E. H. HERNDON.**  
March 13th 1826—11—4t.

## NEW GOODS.

**THE** Subscriber is now opening a large and splendid assortment of SPRING & SUMMER GOODS, selected by himself, consisting of British, India, French and Domestic, among which are—

Blue and Black Ectorial Superfine Saxony and London CLOTHS—Ingain Carroting—Bolling Cloths, Nos. 3, 5, 6 and 7—Flowered Paper for rooms.  
An extensive assortment of Saddlery—Groceries—Hardware—China & Liverpool Wares. All of which will be sold at his usual low rates. To Wholesale purchasers he can offer inducements.

**JOHN TILFORD,**  
March 12 1826—4t.

**P. S.** The lovers of good WINE can be supplied with a few Half Barrels on reasonable terms.  
**J. T.**



## JOHN M. HEWETT,

TRUSS MAKER.

(SHORT ST. NEAR THE WASHINGTON TEL.)  
**IS** now manufacturing and keeps constantly on hand TRUSSES for all kinds of ruptures, viz: The common Steel, with & without the ratchet wheel. The newly invented and much approved double-headed Steel, The Morocco Nonelastic Band with spring pad, and Trusses for children of all ages. Gentlemen's best Morocco, Buckskin, Calfskin, and Russia Drilling Riding Gaiters, with and without springs, and with private pockets. Ladies', Gentlemen's, and Misses Back Stays, to relieve pains in the breast. Double and single Morocco Suspenders with rollers. Female Handbags, &c. &c.  
All of which will be sold by wholesale or retail.

## The Tailoring Business,

In its various branches, continued as usual.  
Lexington, May 5, 1825—18—4t.

## FRESH MEDICINES.

### JOHN NORTON,

**HAS** just received from the Eastward, an Invoice of fresh Drugs and Medicines which he offers for sale

### Wholesale and Retail;

together with a general assortment of Paints, Dye Stuffs, Patent Medicines, all of superior quality. Also Shon's Panacea, Perfumery, Surgical Instruments, Medicine Chests, and Apothecary's Ware of all sizes, at his Drug and Chymical Store, corner of Main and Upper streets, south of the Court House.

## BUTLERS

### Vegetable Indian Specific

**FOR** the Cure of Colds, Coughs, Consumptions, Spitting of Blood, Asthma's, Sore disorders of the Breast and Lungs, the above Medicines are recommended by many Certificates price \$1—each.  
Sold by **JOHN NORTON** Druggist.  
N. B. Country Physicians and Apothecary's orders, supplied at the shortest notice on the most reasonable terms.  
**SWAIM'S PANACEA** \$2.50 per bottle.  
Lexington, March 1st 1826—9—4t.

## State of Kentucky.

Fayette Circuit Court March term, 1826.  
Hugh Foster and John Varnum, Compls.  
against  
James W. Shamburgh, James Harper and Thomas Bodley, Defts.

## IN CHANCERY.

**IT** appearing to the satisfaction of the Court that the Defendant Shamburgh is no inhabitant of this Commonwealth, and he having failed to enter his appearance herein agreeably to Law and the Rules of this Court. On the motion of the complainant, it is ordered that unless said Defendant do appear here on or before the first day of our next June term, and answer the complainant's bill here in the same will be taken for confessed against him; and it is further ordered that a copy of this order be inserted in some authorized newspaper published in this Commonwealth for two months successively according to law.

A Copy Attest  
**A. GARRETT, D. C. F. C. C.,**  
April, 7 1826. 14—9t.

## NOTICE.

**THE** subscriber having it in prospect to remove to the state of Alabama offers for sale his FARM at Wappetaw near the junction of Mrs. Mary H. Breckinridge, seven miles north of Lexington and situated immediately on the North Elkhorn Creek. This Farm contains three hundred and seventy three acres of first rate LAND—the whole enclosed with a good and substantial fence—two hundred acres are cleared and in cultivation, with a good proportion of meadow—the remainder is divided into two woodland pastures, one on each side of the creek, both of which are well set with grass, and contain an inexhaustible supply of stock water. On the Premises are a large and comfortable two story dwelling house, handsomely situated and neatly finished—a large frame BARN with spacious stables attached thereto—two large double corncribs well finished—two Kitchens, a stone springhouse over a never failing spring, with several other useful outbuildings; also a superior APPLE ORCHARD containing upwards of three hundred bearing trees; two hundred of which are grafted and of well selected fruit, together with Peach, Pear and Cherry Trees, and a large Garden well supplied with vegetables, fruits and snubbery. He considers it unnecessary to give any further detail, but trusts it will not be deemed extravagant to say, that a more valuable and highly improved Farm is seldom brought into market. Gentlemen who may feel disposed to purchase are respectfully invited to call and examine the premises. Should it be desirable to the purchaser, the subscriber would prefer selling with the land the present crop, together with a portion of his stock of HORSES, CATTLE, SHEEP and HOGS, and terms of payment will be made known upon enquiry, and possession given, if desired, on or about the middle of October next.

**J. R. WITHERSPOON.**  
Wappetaw, April 26, 1826—17—4t.

**Queensware & China.**

## JAMES HAMILTON,

MAIN STREET,

**HAS** imported direct from Liverpool a large and extensive assortment of Liverpool and China ware selected with care expressly for this market, containing

Blue Printed Dining Ware new and elegant patterns, do. Tea do do do. Plates Twitters & Muffins, do. Oval Dishes, do Covered do. very handsome, do Soup Tureens, do Sauce do, do Bakers and Nappies, do Mugs and Pitchers,